

**SUBJECT:**

A report and recommendation on the disposition of Planned Development Districts created with the adoption of the Cincinnati Zoning Code in January 2004.

**BACKGROUND:**

On January 14, 2004 City Council adopted the current Zoning Code. The Zoning Code became effective on February 13, 2004. As a part of the Zoning Code adoption there were 37 Planned Development (PD) Districts created. These PD districts are comprised of what were formally Transitional (T) Zone Districts, Planned Unit Development (PUD) projects or Special Housing Overlay (SHO) Districts approved under provisions of the previous zoning code. None of aforementioned are part of the current zoning code.

**DISCUSSION:**

In applying the PD District designation in the current Zoning Code the Staff of the Community Development and Planning Department recognized the need for each of the 37 PD Districts to have accepted concept plans as specified in Section 1429-09 Concept Plan and Development Program Statement.

Each of the initial 37 PD Districts have concept plans that represent one of the following; 1) T Zone District Ordinance with accompanying guidelines for review of development proposals; 2) PUD decision issued by the then Director of City Planning or designee approving a development and covenant on file with the Department of Buildings and Inspection tying the decision approval with the PUD land area; 3) SHO District Ordinance establishing the SHO Zone District and a decision issued by the SHO District Review Board approving a development.

Where applicable the former T Zone District guidelines, PUD decisions or SHO District decisions constitute the identifiable concept plan for each of the initial 37 PD Districts.

**LAPSE OF APPROVALS:**

Section 1429-11(c) of the Zoning Code states that, approval of a concept plan and development program statement lapses two years from its effective date unless:

- (1) A final development plan has been approved, or
- (2) The City Planning Commission has approved an extension of time that may not exceed one year.

If an approval of a concept plan and development program lapses, the PD District designation is to be removed from the zoning map. The zoning of the PD District reverts to the zoning district designation in effect immediately before the PD designation.

The approval for the initial 37 PD Districts concept plans will lapse on February 13, 2006 without evidence of a final development plan approval. The City Planning Commission may approved an extension of the concept plan approval for up to one year.

The initial 37 PD Districts were created during the remapping phase prior to the current code's adoption. If the PD District designation were to lapse there would not be an appropriate current zoning code designation to apply to the property since the old zone code was repealed.

### **REVIEW OF PLANNED DEVELOPMENT DISTRICTS:**

Staff conducted a review of the initial 37 PD Districts. The purpose of the review was to determine the status of each district; 1) Origin: T Zone or PUD or SHO District; 2) Evidence of an approved final development plan; 3) Status of the development in regards to proposed new construction or has the project been built out and completed with no with further development anticipated.

After review of the initial 37 PD Districts, there are three PD Districts with approved Final Development Plans; PD-7 Laurel Court, PD-18 McMillan Manor and PD-37 Marburg Square.

There are three PD Districts that under construction or nearing completion without any Final Development Plan approval because building permits were issued prior to February 13, 2004; PD-6 Mt. Airy Oaks, PD-9 Stetson Village and PD-12 Stratford Heights. There is no PD-10.

The remaining 30 PD Districts consist of one former SHO District PD-8 Eden and University in Corryville; six former T Zone Districts; PD-1 Techsolve (IAMS), PD-2 Kellogg Avenue and I-275, PD-13 Marjorie Lee Home, PD-29 The Drexel in Oakley, PD-32 Center of Cincinnati, PD-35 Sun Chemical in Winton Place. There are two districts created with design plans, PD-15 Lower Price Hill and PD-36 Millworks in Oakley. There is one non-conforming use, PD-4 Deaconess Long Term Care Facility on LaFayette Avenue. All other PD Districts are approved Planned Unit Developments with covenants on file. See attachments.

### **OBSERVATIONS:**

It would be appropriate for those PD Districts that have approved final development plans to remain identified as PD Districts. For those PD Districts without approved final development plans further study is necessary to determine whether it is appropriate to maintain PD designation or a different zone.

In consultation with the City's Law Department, in order to change the zone designation of the initial 37 PD Districts lacking final development plans to another zone district; a

change of zoning process must be initiated to determine the appropriate zone district. To achieve this task it would be appropriate for the City Planning Commission to unilaterally extend the approvals of the concepts for those PD Districts lacking final development plans, for a period of one year as permitted by Section 1429-11(c) of the Zoning Code. This action would permit staff time to evaluate and begin the change in zoning process as necessary.

**RECOMMENDATION:**

The Community Development and Planning Department staff recommends that the City Planning Commission take the following action:

- 1) Extend the concept approval for Planned Development Districts that lack final development plans for a period of one year to February 13, 2007 as permitted by Section 1429-11 of the Zoning Code.
- 2) Instruct the Chief Planner to evaluate the initial 37 Planned Development Districts that lack final development plans and begin the change in zoning process as necessary.

Respectfully submitted:

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Approved:

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